

# EXHIBIT A

**MENTER, RUDIN & TRIVELPIECE, P.C.**

308 Maltbie Street, Suite 200  
Syracuse, New York 13204-1498  
Telephone: (315) 474-7541  
Facsimile: (315) 474-4040  
Kevin M. Newman

and

Augustus C. Epps, Jr. (VSB 13254)  
Michael D. Mueller (VSB 38216)  
Jennifer M. McLemore (VSB 47164)  
CHRISTIAN & BARTON, L.L.P.  
909 East Main Street, Suite 1200  
Richmond, Virginia 23219  
Telephone: (804) 697-4100  
Facsimile: (804) 697-4112

*Attorneys for Landover (Landover Crossing), LLC*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
(RICHMOND DIVISION)

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In re:

CIRCUIT CITY STORES, INC., *et al.*  
Debtors.

Case No. 08-35653-KRH  
Jointly Administered  
Chapter 11 Proceedings

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**DECLARATION OF STANLEY WERB IN SUPPORT OF LANDOVER (LANDOVER CROSSING), LLC'S RESPONSE TO THE LIQUIDATING TRUST'S TWENTY-EIGHTH OMNIBUS OBJECTION TO LANDLORD CLAIMS (REDUCTION OF CERTAIN PARTIALLY INVALID CLAIMS, RECLASSIFICATION OF CERTAIN MISCLASSIFIED CLAIMS, DISALLOWANCE OF CERTAIN INVALID CLAIMS, DISALLOWANCE OF CERTAIN LATE FILED CLAIMS, AND DISALLOWANCE OF CERTAIN AMENDED CLAIMS)**

STATE OF NORTH CAROLINA )  
 ) SS:  
COUNTY OF WAKE )

STANLEY WERB, being duly sworn, deposes and says:

1. I am the Manager of Rivercrest Realty Associates, LLC ("Rivercrest").

Rivercrest is the managing agent of Landover (Landover Crossing), LLC (the "Landlord").

2. I have personal knowledge of the facts set forth in this Declaration and I may be contacted at: Rivercrest Realty Associates, LLC, 8816 Six Forks Road, Suite 201, Raleigh, North Carolina 27615-2983. My telephone number is 919-846-4046.

3. The Landlord was a party to a lease (the "Lease") with Circuit City Stores, Inc. (the "Debtor") for premises located at Landover Crossing, Landover, Maryland (the "Premises").

4. In the regular course of my employment by Rivercrest, I review rent and other charges billed to the Landlord's tenants.

5. Landover, by and through its attorneys, filed Claim No. 3266 in the amount of "\$99,597.55 plus attorneys' fees." Landover subsequently, through its attorneys, amended Claim No. 3266 by filing Claim No. 14664 in the amount of "\$552,626.00 plus attorneys' fees." The Liquidating Trust proposes to expunge Claim No. 3266 and leave surviving Claim No. 14664 as a general unsecured claim in the amount of "\$0.00 UNL." Simultaneously, the Liquidating Trust proposes to reduce Claim No. 14664 to a general unsecured claim in the amount of \$105,096.46, "reduc[ing] it by \$435,147.54 for rejection damages, \$7,382 for attorneys' fees, and \$5,000 for cleaning charges not reflected on debtor's books and records."

6. Landover opposes any expungement of Claim No. 3266 with Claim No. 14664 to be reduced to zero. Landover also opposes the reduction of Claim No. 14664.

7. Claim No. 14664 remains due in the amount of \$552,626. A copy of Claim No. 14664 with its schedule/itemization is annexed hereto as Exhibit "1".

\_\_\_\_\_  
Stanley Werb, Manager  
Rivercrest Realty Associates, LLC

Sworn to before me this 3 day  
of January, 2012.

Christine L. Cogar  
Notary Public



# **EXHIBIT 1**

B10 (Official Form 10) (12/08)

1/1/10/4

UNITED STATES BANKRUPTCY COURT - EASTERN DISTRICT OF VIRGINIA			AMENDED PROOF OF CLAIM	
<input checked="" type="checkbox"/> Debtor against which claim is asserted: <input checked="" type="checkbox"/> Circuit City Stores, Inc. (Case No. 08-35653) <input checked="" type="checkbox"/> Circuit City Stores West Coast, Inc. (Case No. 08-35654) <input checked="" type="checkbox"/> InterTAN, Inc. (Case No. 08-35655) <input checked="" type="checkbox"/> Ventoux International, Inc. (Case No. 08-35656) <input checked="" type="checkbox"/> Circuit City Purchasing Company, LLC (Case No. 08-35657) <input checked="" type="checkbox"/> CC Aviation, LLC (Case No. 08-35658)		<small>(Check only one box below)</small> <input type="checkbox"/> CC Distribution Company of Virginia, Inc. (Case No. 08-35659) <input type="checkbox"/> Circuit City Stores PR, LLC (Case No. 08-35660) <input type="checkbox"/> Circuit City Properties, LLC (Case No. 08-35661) <input type="checkbox"/> Orbyx Electronics, LLC (Case No. 08-35662) <input type="checkbox"/> Kinzer Technology, LLC (Case No. 08-35663) <input type="checkbox"/> Courcheval, LLC (Case No. 08-35664)		<input type="checkbox"/> Abbott Advertising, Inc. (Case No. 08-35665) <input type="checkbox"/> Maryland MN, LLC (Case No. 08-35666) <input type="checkbox"/> Patpeco Designs, Inc. (Case No. 08-35667) <input type="checkbox"/> Sky Venture Corporation (Case No. 08-35668) <input type="checkbox"/> XSShut, LLC (Case No. 08-35669) <input type="checkbox"/> PRAHS, Inc. (Case No. 08-35670)
<small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</small>				
Name of Creditor (The person or entity to whom the debtor owes money or property): <b>Landover (Landover Crossing), LLC</b>				<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and addresses where notices should be sent: <b>Menter, Rudin &amp; Trivelpiece, P.C.</b> <b>Attn: Kevin M. Newman, Esq.</b> <b>308 Maltbie Street, Suite 200</b> <b>Syracuse, New York 13204-1498</b>				<small>Amends unsecured nonpriority claim for \$99,597.65 plus attorneys' fees dated 1/7/2009 and filed 1/12/2009.</small>
Telephone Number: <b>315-474-7541</b> Facsimile Number: <b>315-474-4040</b> Email Address: <b>knewman@menterlaw.com</b>				
Name and address where payment should be sent (if different from above):  Telephone Number:				<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: <b>\$552,626.00, plus attorneys' fees.</b>  If all or part of your claim is secured, complete item 4 below, however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.				<input type="checkbox"/> Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
<input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.				Specify the priority of the claim:
2. Basis for Claim: Pursuant to rejection of a lease of non-residential real property located at <b>Landover Crossing, Landover, Maryland. See attached itemization. Limited under 11 U.S.C. §502(b)(6).</b>				<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(2) and § 365(d)(3).
<small>(See instruction #2 on reverse side.)</small>				
3. Last four digits of any number by which creditor identifies debtor: <b>29090-22754</b>				
3a. Debtor may have scheduled account as: _____. <small>(See instruction #3a on reverse side.)</small>				
4. Secured Claim. (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____				
Value of Property: \$_____ Annual Interest Rate ____%  Amount of arrearage and other charges as of time case filed included in secured claim,  If any: \$_____ Basis for Perfection: _____				
Amount of Secured Claim: \$_____ Amount Unsecured: \$_____				
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.				
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)				
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.				
If the documents are not available, please explain:				
Date:  <b>September 23, 2009</b>	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  <b>Menter, Rudin &amp; Trivelpiece, P.C., as attorneys and agents for Landover (Landover Crossing), LLC</b>			FOR COURT USE ONLY
		By: <b>Kevin M. Newman, Esq.</b>		
<small>Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § 152 and 3571.</small>				
<small>{29090/22754/AAV/0007B001.DOC}</small>				

\*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**Landover**  
**Circuit City**  
**Lease Rejection (11/10/08) - Eviction (8/13/09)**

**Charges 11/11/08-8/13/09**

Rent *	468,730
Common Area Maint	48,340
RE Taxes	23,002
Water	172

**Legal -Eviction Costs**

Bregman, Berbert, Schwartz & Gilday, LLC	4,882
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<b>Eviction Services</b>	2,500
<b>Estimated Cleaning</b>	5,000

**552,626**

\* Includes holdover rent per canceled lease